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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,926

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Ned A. Kaled

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HONEYWELL INTERNATIONAL, INC.
Law Dept. AB2
P.O. Box 2245
Morristown, NJ 07962-9806

EXAMINER

REFAI, RAMSEY

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

04/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/716,926	KALED, NED A.	
	Examiner	Art Unit	
	Ramsey Refai	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/08/08</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

In view of the Appeal Brief filed on December 19, 2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627

Responsive to claims filed January 9, 2008. Claims 1 and 10 were amended. Claim 2 was canceled. Claims 1, 3-20 remain pending.

Response to Arguments

1. Applicant's arguments in the Appeal Brief filed December 19, 2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 8-12, 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Clarke (WO/ 02/074138).

4. As per claim 1, Clarke et al teach an inventory replenishment notification system, the notification system comprising:

a plurality of bin monitors (**dispensers**), each of the plurality of bin monitors corresponding to one of a plurality of inventory storage devices, where each of the plurality of inventory storage devices includes a primary bin (**dispensing chamber**) coupled to a reserve bin (**loading chamber**), and wherein each of the plurality of bin monitors includes a sensor and a transmitter, the sensor monitoring for when a reserve bin is accessed to replenish a primary bin, the transmitter sending bin replenishment information to an inventory control system (**see at least pages 3-4, abstract**).

5. As per claim 3, Clarke teaches wherein the transmitter comprises a wireless transmitter (**see at least page 7; wireless**).

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6. As per claim 8, Clarke teaches wherein the inventory replenishment system automates ordering of new inventory when the bin replenishment information is received (**see at least page 6**).

7. As per claim 9, Clarke teaches wherein each of the bin monitors includes a data field identifying a component type stored in the corresponding primary bin (**see at least page 11, fig 5, bar code**).

8. As per claims 10-12 and 14-15, contain similar limitations as claims 1, 3, 8-9 above and are therefore rejected under the same rationale.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4-7, 13, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated Clarke in view of "Official Notice".

11. As per claim 4, Clarke fails to teach wherein the bin monitor is powered by a *battery*. However, "Official Notice" is taken that the concept and advantage of using battery power is

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extremely well known. It would have been obvious to one of ordinary skill in the art to use battery power because it would provide portability to bin monitor.

12. As per claim 5, Clarke fails to teach wherein the transmitter comprises a wireless transmitter that transmits to a *relay transmitter*. However, "Official Notice" is taken that both the concept and advantage of a relay transmitter is well known in the art. It would have been obvious to one of ordinary skill in the art to include a relay transmitter in Clarke's system because doing so would allow for the dispensers to communicate wirelessly to the control means when located outside of the area of the control means.

13. As per claim 6, Clarke teaches wherein the relay transmitter comprises a wireless receiver and transmitter that receives the bin replenishment information and transmits it to the inventory control system (**see at least pages 3, 5, 6**).

14. As per claim 7, Clarke fail to teach wherein the relay transmitter is *battery powered*. However, "Official Notice" is taken that the concept and advantage of using battery power is extremely well known. It would have been obvious to one of ordinary skill in the art to use battery power because it would provide portability to the relay transmitter.

15. As per claim 13, Clarke fails to teach wherein each of the plurality of sensors comprises a *battery powered* sensor. However, "Official Notice" is taken that the concept and advantage of using battery power is extremely well known. It would have been obvious to one of ordinary skill in the art to use battery power because it would provide portability to the sensor.

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16. As per claim 16, Clarke fails to teach wherein the step of transmitting bin replenishment information to the inventory control system comprises *transmitting through a wireless transmission to a relay transmitter and re-transmitting from the relay transmitter to the inventory control system*. However, "Official Notice" is taken that both the concept and advantage of a relay transmitter is well known in the art. The relaying feature claimed is a function of the relay transmitter. It would have been obvious to one of ordinary skill in the art to include a relay transmitter in Clarke's system because doing so would allow for the dispensers to communicate wirelessly to the control means when located outside of the area of the control means.

17. As per claim 17, it contains similar limitations as claim 1 and additionally teaches the use of *battery power*, which is not taught by Clarke. However, "Official Notice" is taken that the concept and advantage of using battery power is extremely well known. It would have been obvious to one of ordinary skill in the art to use battery power because it would provide portability to the bin monitors.

18. As per claim 18, Clarke teaches the communication of replenishment information wirelessly to a control means (**see at least page 6**) but fails to explicitly teach *a plurality of relay transmitters and wherein each transmitter sends its corresponding replenishment information through one of the plurality of relay transmitters to a base station transmitter*. However, "Official Notice" is taken that both the concept and advantage of a relay transmitter is well known in the art. The relaying feature claimed is a function of the relay transmitter. It would have been obvious to one of ordinary skill in the art to include a relay transmitter in Clarke's system because doing so would allow for the dispensers to communicate wirelessly to the control means when located outside of the area of the control means.

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19. As per claim 19, Clarke teaches wherein each of the plurality of bin monitors can be accessed through the transmitter to determine a status of the bin monitor **(see at least pages 4, 6)**.

20. As per claim 20, Clarke teaches wherein each of the plurality of bin monitors includes a programmable device, the programmable device controlling the sensor and transmitter **(see at least pages 6-7)**.

Conclusion

The prior art made of record and not relied upon, which is considered pertinent to applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
March 24, 2009
/Ramsey Refai/
Examiner, Art Unit 3627